

MINUTES OF A REGULAR MEETING

BROOKLYN CITY COUNCIL

January 9, 2012

7:00 p.m.

The Council and all in attendance recited the Pledge of Allegiance.

President DeMarco: "Mary-Jo would you call the roll?"

Clerk Banish: "Katie Gallagher."
"Kevin Tanski."
"Tom Murphy."
"Tony DeMarco."
"Kathy Pucci."
"Ron Van Kirk."
"Colleen Gallagher."

Councilwoman K. Gallagher: "Here."
Councilman Tanski: "Here."
Councilman Murphy: "Here."
Councilman DeMarco: "Here."
Councilwoman Pucci: "Here."
Councilman Van Kirk: "Here."
Councilwoman C. Gallagher: "Here."

Councilman DeMarco: "Next we'll have the reading of the agenda."

Clerk Banish: "Pledge of Allegiance; roll call; reading of Agenda; we'll recognize Kathy Pucci for a matter; public session; reports of Committees, Commissions and Boards; Council reports; Mayor's report; directors' reports; confirmation of appointments for various committees and boards; bid request for automated trash collection vehicle and equipment; liquor permit, for transfer of stock only; public participation for legislative items only; Resolution #2012-1, A Resolution of support authorizing the Mayor to enter into an agreement on behalf of the City of Brooklyn with Cuyahoga County for the purpose of establishing an Anti-Poaching Protocol; Resolution #2012-2, To honor and recognize Timothy DeGeeter for his service to the City of Brooklyn; Ordinance #2012-1, Establishing the full-time position of Clerk of Council; Ordinance #2012-2, Amending Ordinance #2004-32, as amended by Ordinances 2007-1, 2010-1 and 2011-5 entitled, 'An Ordinance to establish and adopt Rules of the Brooklyn City Council;' other matters that may come before the Council; and adjournment."

President DeMarco: "Okay, before we move onto the public session, I'd like to recognize Councilwoman Kathy Pucci, who has a presentation she'd like to make."

Councilwoman Pucci: "Thank you. And I ask the Mayor to join me down at the podium. Congresswoman Marcie Kaptur was scheduled to come to our swearing-in of our elected officials on January 1st; however, she was detained, so she did not arrive here prior to the ending of the swearing-in ceremony. So I did meet with her later, and she gave me something to give the Mayor. This is a flag that was flown over the Capitol. And I'm just going to read what the certificate says. 'This is to certify that the flag presented with this certificate was flown over the Capitol of the United States especially for presentation to the Honorable Richard Albier upon the occasion of your swearing-in as Mayor of Brooklyn, Ohio January 1, 2012. The date it was flown over the Capitol is December, 28, 2011.' And this is signed by Marcie Kaptur, member of Congress. So Mayor, here's the certificate and the flag."

Mayor Albier: "Thank you very much. I'm a flag person, and so I'm going to cherish this. Thank you."

President DeMarco: "Okay, we'll move onto the public session. At this time if anyone in the audience has anything to say for the good and welfare of the City of Brooklyn, please step forward, state your name and address, and you'll be recognized. And please keep in mind our five minute time limit. Thank you."

Mary Lee Bowen: "Good evening everyone. My name is Mary Lee Bowen, I live at 4783 Tiedeman Road. Ordinance 2012-2 is on the agenda this evening. It adopts significant changes to the rules used by City Council. My understanding, from the City Council Organization meeting, which was held last Tuesday, is that these changes include the prohibiting of any dialogue between residents and Councilmembers during the public session. They also eliminate the second public session for pending legislation. Furthermore, they replaced verbatim minutes of Council meetings with summaries, which will not include statements made by any participants. I feel that these Council rules changes are simply wrong. They eliminate some of the rights of residents to participate in city business, and they make it more difficult for any resident to be fully informed of developments in city government. Councilmembers may say that the revised rules are similar to those in other cities. However, they are not similar to all other cities. Many cities invite the involvement of residents in city activities; and many cities continue to have verbatim minutes of meetings, to establish an

accurate record of proceedings. Besides, should Brooklyn copy the worst cities or should Brooklyn lead the way for progressive cities? Even if Council suspends the rules, which they often do, to enact these changes immediately, I urge residents to contact Councilmembers and tell them to eliminate these restrictive changes, and I urge Councilmembers to not pass this ordinance until residents have had an opportunity to express their opinions. Operating under the old rules for two more meetings will not do any harm. If you have any questions or comments from me please call me at 216-941-7562. Thank you."

Councilman DeMarco: "Does anyone else have anything to say? Okay, great. I've got a couple comments before we move on. First of all, on behalf of all the City Councilmembers, I want to offer our condolences to Maria McGinty, our Acting Recreation Manager, on the passing on her father, Herman Pavia. On a personal note, I delivered Mr. Pavia's Plain Dealer for nine years, and got to know him through our church, which is St. Rocco's Parish. He was an active and contributing member to St. Rocco's. Just a great guy. He always had a smile on his face, and he will definitely be missed by me, and I'm sure a lot of folks that knew him and interacted with him on a daily basis.

We did meet last Tuesday for our annual Organizational meeting. We selected our President and President Pro-Tem, and also determined committee assignments for 2012. In addition, we had a lengthy discussion on changes to Council Rules. I would like to thank my fellow Councilmembers who showed their confidence in me by electing me President of City Council. As I said at the Organizational meeting, I will perform the duties of this office to the best of my abilities; and I appreciate your support. Also, congratulations go out to Colleen Coyne Gallagher on being selected Council President Pro-Tem for 2012 by her fellow Councilmembers. I'd also like to welcome our two newest Councilmembers, Katie Gallagher and Ron Van Kirk. And she's been here before, but I would like to formally welcome our new Finance Director Jennifer Esarey. And obviously I look forward to working with all of you. I will just run real quickly through the committee assignments for this year. The Finance Committee consists of myself as Chair, Kathy Pucci and Ron Van Kirk. The meetings will be typically at 6:30 in the Conference Room prior to our regularly scheduled Council meetings, unless it needs to be held at an earlier time. Public Works Committee consists of Chairperson Kathy Pucci, Kevin Tanski and Katie Gallagher. And the Public Safety & Environmental Committee consists of Tom Murphy as Chair, Colleen Gallagher and Ron Van Kirk. Both of these committees will meet on an as-needed basis. In terms of appointments to various committees and boards: Katie Gallagher will be our representative to the Planning Commission, Kevin Tanski will be our representative to the Recreation Board, Colleen Gallagher will be our representative to Domestic Violence, Legislative Update, and Juvenile Diversion. Kevin Tanski and Kathy Pucci to the Volunteer Fire Dependents Board. Ron Van Kirk to Fair Housing. I will be our representative to Economic Development Committee. Council meetings will be held on the second and fourth Mondays of each month, unless it falls on a holiday, and then it'll be held the following day, which would be Tuesday.

Next we'll move on to reports of committees, commissions and boards. The Finance Committee met at 6:30 this evening. We had actually just a very limited number of items that we went through. The first was for a bid request for an automated trash collection vehicle for the city, and the cans that go along with it, the totes I should say. At this point in time we do not have enough additional information to move forward with authorizing the bid request. So the Finance Committee we defer looking at this until our next meeting. The other item that we looked at was Resolution 2012-1, which is the Anti-Poaching Protocol. Again, at this point in time, we do not have all the information that we've requested from the representative from Cuyahoga County. So we recommended that Council table this Resolution at this time. And that's all I had for Finance. Next, Mr. Tanski, I think you have a report for the Recreation Board.

Councilman Tanski: "Thank you. The City of Brooklyn 2012 youth soccer registration for boys and girls ages 3-14 will be held at the John M. Coyne Recreation Center Saturday, January 14th 10 a.m. to noon; Wednesday, January 11th, 6:30-7:30 p.m.; Wednesday, January 18th 6:30 p.m. to 7:30 p.m. Last day to register will be January 18, 2012. Late registration after January 18th will be assessed an additional \$15 fee. Birth certificate must be presented at registration. In order to receive resident rate you must show a current Brooklyn Recreation Department identification card. If player is under the age of six the parent must show their Brooklyn Recreation Department identification card. Coaches clinics will be held starting in February. If you are interested in becoming a volunteer coach, applications are available at registration. Soccer fees: resident \$40, nonresident \$50, travel fee will be \$8, in-house league for players U-6 and U-8. If you would like further information regarding the program, please call the Brooklyn Recreation Center at 216-351-5334. Another event, come skate with Sully from the Lake Erie Monsters, featuring DJ Jeff Friday, January 13th, 8-

9:15 p.m. at the Brooklyn Recreation Center. Resident students \$1, resident skate rental \$1, nonresident student \$3, nonresident skate rental 2.50. Current resident City of Brooklyn ID must be shown for resident rates. Jazzercise grand opening. Free classes at Brooklyn Recreation Center. Schedule of events: 5:30 p.m., classes on January 18, 23 and 25. 9 a.m. classes on January 21 and 28. For more information you can call Marisa at 216-408-2969 or marisajazz@yahoo.com, for go to jazzersize.com. Due to the Martin Luther King holiday the next Recreation Board meeting will be held on Tuesday, January 17th at 6 p.m. That concludes my report."

President DeMarco: "Thank you. Mr. Ockington, I skipped you, so I apologize for that. The Zoning Board of Appeals."

Comm. Ockington: "Thank you Mr. DeMarco. The January Zoning Board of Appeals meeting has been scheduled for Thursday, January 19, 2012 at 7 p.m. in Brooklyn's Mayor's Court to hear an appeal of a denial by the Planning Commission of a request by Thelma Lambkins Freedman for Conditional Use Approval to locate a child day care center at 4674 Ridge Road. This matter is deferred from the December 15, 2011 Board of Zoning Appeals meeting. That concludes my report."

President DeMarco: "Thank you. We'll move onto reports from Council, and this evening we'll start with Councilwoman Katie Gallagher."

Councilwoman Katie Gallagher: "First let me tell you about the Planning Commission meeting. I didn't think these new rules were in effect yet, because we didn't vote on them. But the next Planning Commission meeting will be this Thursday, January 12th at 6 p.m. in the Mayor's Court. They will hear a request from Allied Lighting Services to install a replacement 8-1/2 foot high Land Rover/Range Rover freestanding ground sign, and a new Range Rover cabinet sign to the existing Land Rover pylon sign to be located at 9600 Brookpark Road. And any other business that comes before the Planning Commission."

Good evening everyone. First I'd like to thank everyone for their support in the election. I'm excited to work with my fellow Councilmembers, Mayor and residents this year to move Brooklyn in a more positive direction. I was fortunate to get the opportunity to meet a lot of you on the campaign trail; but for those of you who haven't met me, I'd like to introduce myself for a moment. I'm a lifelong resident of Brooklyn, and I attended St. Thomas More and Holy Name High School, and earned my degrees in Business and Political Science from John Carroll. I later earned my Law Degree and Master's in Public Administration from Cleveland State, and currently I work as an adult probation officer in Cuyahoga County Court. As a new Councilmember I have many ideas for Brooklyn; however, I have three big picture goals for this upcoming year. First I would like to move forward a budget that is more fiscally conservative, and transfer more money into the Capital Improvements and future Economic Development Fund. Next I would like to see a marketing strategy and financial vision for our city to help convince others what we already know, that Brooklyn is a terrific place to live and work. And last, I would like to help enhance our community pride. For example, I recently read a study that said people who regularly say hello and talk to their neighbors reported a higher level of happiness, place more value on their homes and their neighborhoods, and felt more accountable to their neighbors. So in this new year let's all make it a resolution to meet one of our neighbors, or at least give a smile and a hi. There are lots of things I'll be working on to improve Brooklyn, but I think I need your help for this one. I look forward to speaking with any resident about your ideas and concerns, and I can be reached at 216-469-2561, or you can e-mail me at kagallagher@brooklynohio.gov. Thank you, and that concludes my report."

President DeMarco: "Thank you. Next, Mr. Tanski."

Councilman Kevin Tanski: "Thank you. I just want to welcome Katie Gallagher, our new Councilmember, and also Ron Van Kirk. And that concludes my report."

President DeMarco: "Okay. Mr. Murphy."

Councilman Tom Murphy: "Thank you. I did want to echo Tony's condolences to Maria Pavia, or Maria McGinty. She did change her name when she got married. And I'd like to at least comment on Miss Bowen's, what she had to say tonight. We will be looking at Rule 15. I don't agree with everything Ms. Bowen had to say. The minutes I think could be summarized; however, I think Rule 15 in particular is a First

Amendment right. The right to speech, free speech. And I think it's sacred. The rule, in whole or in part, is too far reaching. The public has the right to dissent, and even come close to censorship. If I have not agreed with Council or a Councilperson, they've heard about it. I've brought it up. I have been vocal. If something is slanderous we have remedies for slander. I just think that this thing, this rule in particular, paragraph two even more specific, if just too far reaching, and for that reason I won't be voting for that. That's all I have."

President DeMarco: "Thank you. Next is Miss Pucci."

Councilwoman Kathy Pucci: "Thank you. Good evening. I too would like to welcome our two new Councilmembers, Mr. Ron Van Kirk and Miss Katie Gallagher. As I stated in my e-mail to both of you, I look forward to working with both of you for the betterment of our community. I also would like to offer my sincerest condolence to Mrs. McGinty and her family on the loss of his father. They're in my thoughts and prayers.

Regarding the Rules of Council, we do have some changes on our agenda this evening. But because time was so short since the Organizational meeting, they are not complete. I believe there's going to be a couple changes this evening. And I do anticipate that there will be further amendments at our next meeting. And just to clarify a couple comments that were made, we already had established that there was no back and forth between members of the public and Council or the Mayor. We're basically just formalizing this into our minutes, I'm sorry, into our rules. And we did keep the five minute time limit. I know there was a proposal to reduce it back down to three minutes. I am a proponent of keeping it at the five minutes. And I think that everybody up here is very accessible to the residents. I get phone calls from residents all the time, I get e-mails from residents; and I would encourage any resident that has any comment, question or concern to contact any one of us. I think we're very accessible. This meeting, the purpose of it is to conduct the business of the city. Anyone that wants to know any information, you can get that either from a Councilmember, or member of the administration, if it's something particular to that department. And I urge residents to become more involved in our city.

I see 2012 as being a very critical year for our community; a year that will set the course for our future. While we have numerous capital and personnel issues to address, we must continue to be conservative in our spending. We need to fine tune our five year Capital Improvement list, and develop a three to five year forecast on revenue and expenditures. We also must continue to transfer money into our Budget Stabilization Fund. Other items relating to economic development are: establish a more formal economic development incentive policy, and establish an economic development fund. We're prohibited from using tax revenue to pay any economic incentives. We're required to use non-tax revenue. And most of our revenue is derived from our income tax. Since we now have several agreements, we need to ensure that we have enough non-tax revenue available when we make these payments. We also want to ensure that we have a separate fund to track and reconcile these expenditures. These two items I've previously proposed to the Economic Development Committee, and I anticipate moving forward on.

Other items I'd like to work on this year are to develop and implement a strategic economic development plan to retain and create jobs in Brooklyn. We need to develop a plan, then work diligently with developers, commercial realtors, businesses, Team NEO, and the county to aggressively promote business as an ideal location for businesses. Excuse me, to promote Brooklyn. I'd like to see us streamline the planning and approval process for businesses, including creating a booklet that contains all necessary information relating to economic incentives and the steps required to obtain approvals and permits. We need to make this process more business friendly. We need to maximize our dollars using all other available resources, such as grants and no and low interest loans. This includes identifying who will be responsible for researching and writing grants, and getting them the necessary training to be successful. As part of our budget process, we need to look at what services we are able to restore to our residents. Once we automate waste collection, I believe we will have the staff available to pull the garbage for those senior citizens who need this assistance, especially in the winter months. There is also no reason why we cannot have a community gathering this summer, or activities in our park. These are very low cost items, but they go a long way in promoting our sense of community.

Regarding the proposed waste incinerator on Ridge Road, Mr. Verba is attending the meeting this evening and will report back to us. I'm very concerned about this and its impact on our community. We will have to

examine the information and determine if we will take a public stance on this project or not. And that completes my report."

President DeMarco: "Thank you. Next is Mr. Van Kirk."

Councilman Ron Van Kirk: "Thank you Mr. DeMarco. I also would like to thank the residents of Brooklyn for giving me this opportunity. I thoroughly enjoyed the time to campaign. I met many of you. But for those of you I haven't, like Kate, I'd like to introduce myself. My name is Ron Van Kirk. I'm married to my beautiful wife of eight years, Christina. And at 10:23 this morning I am an uncle for the time. My niece was born at Fairview Hospital. And so I very much am looking forward to working with the citizens of Brooklyn. It's been a pleasure to go door to door speaking with you. And I would like to kind of echo what Kate said, and also Kathy. We do need more resident participation. We have to remember that everything that we do here directly affects you. And I encourage you to please be more vocal, through e-mails, coming up and speaking at the podium about items that we're talking about. My e-mail address is rvankirk@brooklynohio.gov. I'd be happy to listen to you and to respond in any way that I can.

Kind of three goals that I have set. 2012 is a very important year, as Ms. Pucci just mentioned. There are a lot of tough decisions that have to be made. The residents of our city and of our state and of our entire country have had to make very difficult decisions in their own personal lives, financially, and the city can be no exception to that. I do believe that we need a very strong, fiscally conservative outlook, as far as how we're going to spend every dollar. The money that we spend is your money. And we need to keep that in mind and make sure that the money is spent in a proper manner. One of the main things I'd like to see this year is that a permanent Economic Development Director is hired full time. That way we have someone who's working around the clock, eight hours a day, every day, to draw new businesses into Brooklyn, and to make sure the businesses that we do have here are satisfied with how Brooklyn is operating and to how we can benefit them to either get them to expand or help them in any way that we can. I feel like if this city is going to continue moving forward that is a must. And then lastly, as I already mentioned, resident participation also. I feel like, as I walk from door to door and talk to many citizens, a lot of you had some wonderful ideas. And we need more of those things. And we are accessible to you. And I look forward to working with you.

On a side note, Sgt. Miller, during your report, if we could have an update on the Animal Shelter, the things that are going on there, I would appreciate that. And that concludes my report."

President DeMarco: "Thank you. Next is Mrs. Gallagher."

Councilwoman Colleen Gallagher: "Thank you Mr. DeMarco. Good evening. First I'd like to congratulate the newly elected Councilmembers, Ron Van Kirk and Katie Gallagher. I had the honor and privilege to administer the Oath of Office to both Ron and Katie on Sunday, January 1st. Both of you will be a great addition to City Council. Also on the same day, Mayor Balbier and Tony DeMarco were both sworn in, and I'd like to extend my congratulations to both of you. As our Council President, Tony DeMarco will have a lot of work cut out for him within the next year. Hopefully we can all work together and make a difference. Thank you to Councilwoman Kathleen Pucci for her dedication as past Council President. Kathy is a very detail oriented person, and a great communicator, which made our jobs much easier in the past.

Also, I have a farewell letter from Tim DeGeeter to our community. 'Dear Friends. It has been a privilege and honor serving the people of the Ohio 15th House District since 2003. I have taken this responsibility you have entrusted to me very seriously, and have sought to make our office open and accessible to all constituents of the 15th House District. Over the past eight years I have served in the House, I have only missed three Legislative Session days, two of which were when my son Jack was born. I am extremely proud of this attendance record, and I believe it indicates my level of commitment to my service in the Ohio House of Representatives. I am very proud of the work I have done. I served as Chairman of the Criminal Justice Committee and the Public Utilities Committee in the 128th General Assembly. I am also very proud of passage of House Bill 46, a proactive tool to eliminate identity theft, that I championed through two General Assemblies. I am currently the ranking member on Public Utilities Committee in the 129th General Assembly, and I have served as co-chair of the bi-partisan Ohio Prematurity Caucus, which raises awareness of premature births in Ohio for three sessions. In addition to my work in the Legislature, I was a member on multiple task forces. I served on improving forensic DNA policy project and Identity Theft Task Force and

the Ohio Supreme Court Task Force, going above and beyond the normal level of involvement in the Ohio Legislature. Finally, I am proud to have had the ability to help you, the constituents, with questions and concerns, whether by phone, e-mail or letter over the past eight years. It is with a full and heavy heart that I announce my final day as State Representative to the Ohio 15th House District will be December 31, 2011, and I look forward to new challenges ahead as the next Mayor of Parma, Ohio's seventh largest city, beginning January 1, 2012. Thank you for all your support. I hope that you and your families keep warm this winter and have a safe and happy new year.' That was from our State Rep. Tim DeGeeter. And I would like to thank Tim DeGeeter for his dedication and commitment to the City of Brooklyn. Tim was a great legislator for this community. He helped our community with Hugo Boss and American Greetings, and fought to the bitter end. He always gave Legislative updates and kept our community on his radar. I'd like to wish Tim all the best as the new Mayor of Parma, and look forward to working with him in the future. And that concludes my report."

President Tony DeMarco: "Thank you. I did have the opportunity to meet with Mayor Balbier last week, to just kind of talk about what's on his mind for this year, and it was a fairly lengthy list. But I do feel that we're in agreement on some of the key things that we're going to spend a lot of our time and energy on this year, and I'll just kind of list them out generally. I've been talking about economic development for awhile now. I hope to make a lot of progress on this this year, and including not only hiring a full-time economic development director, but creating a strategy for the city; establishing an economic development fund, which still has not been done yet; and working with our new Finance Director to figure out how we can fund that once it's established. The second thing is, we've neglected our facilities in the City of Brooklyn for a number of years now, and frankly we can't continue on that path. So hopefully, again, with the support of our Finance Director, the Mayor, and the rest of Council, I hope that we have the will to replace the entire roof at the Senior Center, which is going to be an expensive proposition, but it's way overdue. The other couple of items, we need to make some upgrades of our city equipment just generally across the board. We'll be having our work sessions here in the next few weeks, meeting with each director. We'll go through the budget and their list of items, and see again what is most critical and necessary at this point, and then figure out a way to pay for it. We are definitely going to look at some building upgrades over at the Recreation Center. Again, way overdue. All within the context of what we're able to spend here this year. But we are going to hopefully put some dollars into that building over there. And then the final item is just really a comprehensive look at our street repair program. We've got some streets that are in very bad condition that, again, we just ignored for budgetary reasons for the last few years, and we're going to have to come up with some way to either get them fixed or replaced. And that's all I have. Next we'll move on to Mayor Balbier."

Mayor Rich Balbier: "Thank you Mr. President. I also would like to welcome our new Councilmembers Katie Gallagher and Ron Van Kirk. And also our Finance Director Jennifer Esarey. I introduced her from the audience last time, but I'd like to officially announce her. Last week was her first week, and she fit in very well. And today she put the icing on the cake when she brought in homemade pastry from her mother. So she's more than welcome. I also want to congratulate Mr. DeMarco on becoming Council President, and Council Pro-Tem Colleen Gallagher."

The other item I want to talk about is this Cleveland incinerator. I've been getting calls and e-mails from residents, they're all worried about it. And like Mrs. Pucci said, I sent Mr. Verba to the EPA meeting tonight to bring back any information he might get. I've also called Mayor Jackson's office, and I have a private meeting set up with the head of his department that's in charge of this, and they're going to come and fill us in. I've invited the Councilmembers to join me. And that'll be this Thursday at 1:00. And that's a private meeting, and they're supposed to give me their side of the story. But every time I use the word incinerator they corrected me and said it's called a gasification plant, not an incinerator. That's because they vaporize the trash. But I want to have both sides of the story before I make any kind of determination where our city's going to stand. So I'm gathering a lot of information about it, and hopefully I'll have more to say.

Now Wal-Mart has started their project. They're going to become a Super Wal-Mart, with all the groceries and everything. So the project has started, but it's a \$10 million project, but half of the cost is moving a sewer. There's a sanitary sewer that's 66 inches in diameter, it runs right next to the building, and they have to move it to the east. So that's what all the construction you see up there now. And Mr. Ockington just informed me today, and I notified Parma, that when they get, next month when they get to the point, they have to put up three huge generators to pump all this sewage over so they can put in the new pipe, and those generators are going to be running 24/7 for a week. So it won't particularly affect Brooklyn, but the noise

will probably affect those apartments on Brookpark Road. So I talked to Mr. DeGeeter today. But there's no other way to do it.

Any of our monthly reports are available at the front desk. And I also talked to Mayor DeGeeter this afternoon, and he couldn't be here today because he has to take care of their business on Monday nights; but he wanted to thank all the Brooklyn residents for the support they've shown him over the years. And that's the end of my report."

President DeMarco: "Okay, thank you. We have a couple directors' reports tonight. First we have Mr. Ockington from the Building Department."

Comm. Ockington: "Thank you Mr. DeMarco. The Building Department had income of \$249,881 for 2011, which is the highest annual income we have computer records of, and it is 140% increase from 2010. The average annual income from 1997 through 2011 was \$147,650. That concludes my report."

President DeMarco: "Congratulations. Next we'll move on to Mr. Bruzek from the Recreation Center."

Asst. Mgr. Bruzek: "Thank you Mr. DeMarco. I just wanted to congratulate the Brooklyn Hockey Association's Pee Wee and Bantam youth hockey teams. They both won a championship in the Silver Stick Tournaments this past weekend. And I know a lot of you are not familiar with the Silver Stick Tournaments, they are one of the most unique tournaments in the country. So to have two teams out of our association win that I think is outstanding. And I also want to express my condolences to the McGinty and Pavia family on the passing of Herman. Herman frequented the Rec Center and the Senior Center and will be sorely missed. That concludes my report."

President DeMarco: "Good, thank you. Next we'll move. We have a couple confirmation of appointments. So Mayor, do you want me to go down the list or do you want to go down the list?"

Mayor Balbier: "I can do it. I just want to say one other thing. That \$249,000 we took in, I didn't realize this, but like I said, the Wal-Mart project is \$10 million. The city gets 1% for fees on the total amount. So that was \$100,000 from that one project for building fees. There's quite a few appointments. I appointed a lot the last Council meeting, but there's other ones that have to be appointed. The first one, I would like Council's approval to the Planning Commission, Mr. Ray Porterfield has agreed to another term. So I would like that confirmed."

Councilwoman Pucci: "Move to approve Ray Porterfield to the Planning Commission."

Councilwoman C. Gallagher: "Second."

Clerk Banish: "To confirm the appointment, Katie Gallagher."	Councilwoman K. Gallagher: "Yes."
"Kevin Tanski."	Councilman Tanski: "Yes."
"Tom Murphy."	Councilman Murphy: "Yes."
"Tony DeMarco."	Councilman DeMarco: "Yes."
"Kathy Pucci."	Councilwoman Pucci: "Yes."
"Ron Van Kirk."	Councilman Van Kirk: "Yes."
"Colleen Gallagher."	Councilwoman C. Gallagher: "Yes."

Mayor Balbier: "The next appointment I would like to make is to the Zoning Board of Appeals, and that's Mr. Earl Bloam, and I see him here tonight in the audience. I think he's going to be a good asset to this committee, because he's retired from NASA, he's an electrical engineer, and I think he'll fit in here very well. So I'd like the nomination of Mr. Earl Bloam."

Councilwoman C. Gallagher: "Move to approve..."

Councilwoman Pucci: "Move to approve Earl Bloam to the Zoning Board of Appeals."

Councilman Van Kirk: "Second."

Clerk Banish: "To confirm the appointment, Katie Gallagher."
"Kevin Tanski."
"Tom Murphy."
"Tony DeMarco."
"Kathy Pucci."
"Ron Van Kirk."
"Colleen Gallagher."

Councilwoman K. Gallagher: "Yes."
Councilman Tanski: "Yes."
Councilman Murphy: "Yes."
Councilman DeMarco: "Yes."
Councilwoman Pucci: "Yes."
Councilman Van Kirk: "Yes."
Councilwoman C. Gallagher: "Yes."

Mayor Albier: "And there are three openings on the Domestic Abuse Commission, and all three of them have agreed to serve another term. The first one is Helen Wilson."

Councilwoman C. Gallagher: "Move to approve Helen Wilson to Domestic Violence Committee."

President DeMarco: "Second."

Councilwoman Pucci: "Second."

Clerk Banish: "To confirm the appointment, Katie Gallagher."
"Kevin Tanski."
"Tom Murphy."
"Tony DeMarco."
"Kathy Pucci."
"Ron Van Kirk."
"Colleen Gallagher."

Councilwoman K. Gallagher: "Yes."
Councilman Tanski: "Yes."
Councilman Murphy: "Yes."
Councilman DeMarco: "Yes."
Councilwoman Pucci: "Yes."
Councilman Van Kirk: "Yes."
Councilwoman C. Gallagher: "Yes."

Mayor Albier: "The second one is Ruth Anne Scarborough."

Councilwoman C. Gallagher: "Move to appoint Ruth Anne Scarborough to the Domestic Violence Committee."

Councilwoman Pucci: "Second."

Clerk Banish: "To confirm the appointment, Katie Gallagher."
"Kevin Tanski."
"Tom Murphy."
"Tony DeMarco."
"Kathy Pucci."
"Ron Van Kirk."
"Colleen Gallagher."

Councilwoman K. Gallagher: "Yes."
Councilman Tanski: "Yes."
Councilman Murphy: "Yes."
Councilman DeMarco: "Yes."
Councilwoman Pucci: "Yes."
Councilman Van Kirk: "Yes."
Councilwoman C. Gallagher: "Yes."

Mayor Albier: "The third one is Robin Lawrence."

Councilwoman C. Gallagher: "Move to approve Robin Lawrence to the Domestic Violence Committee."

President DeMarco: "Second."

Clerk Banish: "To confirm the appointment, Katie Gallagher."
"Kevin Tanski."
"Tom Murphy."
"Tony DeMarco."
"Kathy Pucci."
"Ron Van Kirk."
"Colleen Gallagher."

Councilwoman K. Gallagher: "Yes."
Councilman Tanski: "Yes."
Councilman Murphy: "Yes."
Councilman DeMarco: "Yes."
Councilwoman Pucci: "Yes."
Councilman Van Kirk: "Yes."
Councilwoman C. Gallagher: "Yes."

Mayor Albier: "And the last one is the Fair Housing Review Board, and Mr. Joseph Egan has agreed to serve another term."

Councilwoman Pucci: "Move to approve Joseph Egan to the Fair Housing Review Board."

Councilwoman C. Gallagher: "Second."

Clerk Banish: "To confirm the appointment, Katie Gallagher."	Councilwoman K. Gallagher: "Yes."
"Kevin Tanski."	Councilman Tanski: "Yes."
"Tom Murphy."	Councilman Murphy: "Yes."
"Tony DeMarco."	Councilman DeMarco: "Yes."
"Kathy Pucci."	Councilwoman Pucci: "Yes."
"Ron Van Kirk."	Councilman Van Kirk: "Yes."
"Colleen Gallagher."	Councilwoman C. Gallagher: "Yes."

Mayor Albier: "And the last thing I'd like to mention is I still need a representative to serve on the Recreation Board. So anyone that might be interested in that, please send your resume to my office so we can fill that Board. And that's all I have Mr. DeMarco."

President DeMarco: "Thank you. Acting Chief Miller, I'm not sure if you have any information... I'm sorry Ron that I didn't call on him, as it relates to the Animal Shelter. So if you don't have anything to add, we understand."

Acting Chief Miller: "Just that it was in the APL's hands, and actually we thought it would have been handled by now; but maybe over the holidays they had time off and stuff. So we're still waiting on them."

President DeMarco: "Okay, thank you. I don't know if you have any update."

Mayor Albier: "Yes, I worked on that today, and I instructed our Law Director to set up an appointment in the next few days with the Animal Shelter, and hopefully we can accomplish that."

President DeMarco: "Okay."

Councilman Van Kirk: "Thank you."

President DeMarco: "Okay. We'll move on to... Again, on the bid request, I'll just read the letter real quick. From Mr. Verba, our Service Director. 'I respectfully request authorization to advertise for bids for an automated collection vehicle and roll out containers for an automated collection system.' And at this time, since we are waiting additional information, I need a motion to defer this to our next meeting."

Councilwoman Pucci: "I move that we defer this request for authorization to advertise until the next meeting."

Councilman Tanski: "Second."

Councilwoman C. Gallagher: "Second."

Clerk Banish: "To defer the request, Katie Gallagher."	Councilwoman K. Gallagher: "Yes."
"Kevin Tanski."	Councilman Tanski: "Yes."
"Tom Murphy."	Councilman Murphy: "Yes."
"Tony DeMarco."	Councilman DeMarco: "Yes."
"Kathy Pucci."	Councilwoman Pucci: "Yes."
"Ron Van Kirk."	Councilman Van Kirk: "Yes."
"Colleen Gallagher."	Councilwoman C. Gallagher: "Yes."

President DeMarco: "The next item is a liquor permit transfer. This is for a property over at 9617 Clinton Road. There were two owners previously, 75 shares each; they are now going to move in one individual's name for a total of 150 shares. So I need a motion for a position of no objection please."

Councilwoman Pucci: "May I be recognized please?"

President DeMarco: "Sure."

Councilwoman Pucci: "Was there more than one form to this or no? So this is it? Just one sheet?"

Clerk Banish: "There was a form that had social security, stuff that has the share numbers on it."

Councilwoman Pucci: "Okay..."

Councilwoman C. Gallagher: "Move for no objection."

Councilwoman Pucci: "Has somebody checked with the Police Department?"

Clerk Banish: "Yes."

President DeMarco: "Do you want to...?"

Councilwoman Pucci: "Do you have any objection?"

Acting Chief Miller: "No, not at all."

Councilwoman Pucci: "Thank you."

Councilwoman C. Gallagher: "Move for no objection."

Councilwoman Pucci: "Second."

Clerk Banish: "For a position of no objection, Katie Gallagher."	Councilwoman K. Gallagher: "Yes."
"Kevin Tanski."	Councilman Tanski: "Yes."
"Tom Murphy."	Councilman Murphy: "Yes."
"Tony DeMarco."	Councilman DeMarco: "Yes."
"Kathy Pucci."	Councilwoman Pucci: "Yes."
"Ron Van Kirk."	Councilman Van Kirk: "Yes."
"Colleen Gallagher."	Councilwoman C. Gallagher: "Yes."

President DeMarco: "Okay, next is our other participation for legislative items only. If somebody has something regarding the legislation on our agenda this evening, please step to the podium, state your name and address for the record, and recognize our three minute time limit. Okay. We'll move on to **RESOLUTION 2012-1**. A Resolution of support authorizing the Mayor to enter into an agreement on behalf of the City of Brooklyn with Cuyahoga County for the purpose of establishing an Anti-Poaching Protocol. And at this time I'm looking for a motion to table this Resolution."

Councilman Tanski: "Motion to table."

Councilman Van Kirk: "Second."

Clerk Banish: "To table, Katie Gallagher."	Councilwoman K. Gallagher: "Yes."
"Kevin Tanski."	Councilman Tanski: "Yes."
"Tom Murphy."	Councilman Murphy: "Yes."
"Tony DeMarco."	Councilman DeMarco: "Yes."
"Kathy Pucci."	Councilwoman Pucci: "Yes."
"Ron Van Kirk."	Councilman Van Kirk: "Yes."
"Colleen Gallagher."	Councilwoman C. Gallagher: "Yes."

President DeMarco: "Next item is **RESOLUTION 2012-2**, To honor and recognize Timothy DeGeeter for his service to the City of Brooklyn."

Councilwoman Pucci: "Introduced by all, suspend the rules."

Councilwoman C. Gallagher: "Second."

Clerk Banish: "To suspend the rules, Katie Gallagher."
"Kevin Tanski."
"Tom Murphy."
"Tony DeMarco."
"Kathy Pucci."
"Ron Van Kirk."
"Colleen Gallagher."

Councilwoman K. Gallagher: "Yes."
Councilman Tanski: "Yes."
Councilman Murphy: "Yes."
Councilman DeMarco: "Yes."
Councilwoman Pucci: "Yes."
Councilman Van Kirk: "Yes."
Councilwoman C. Gallagher: "Yes."

Clerk Banish: "To adopt, Katie Gallagher."
"Kevin Tanski."
"Tom Murphy."
"Tony DeMarco."
"Kathy Pucci."
"Ron Van Kirk."
"Colleen Gallagher."

Councilwoman K. Gallagher: "Yes."
Councilman Tanski: "Yes."
Councilman Murphy: "Yes."
Councilman DeMarco: "Yes."
Councilwoman Pucci: "Yes."
Councilman Van Kirk: "Yes."
Councilwoman C. Gallagher: "Yes."

President DeMarco: "Next we have **ORDINANCE 2012-1**. And I'm looking for a motion to table this Ordinance."

Councilman Van Kirk: "Motion to table."

Councilman Tanski: "Second."

Councilwoman Pucci: "Second."

Clerk Banish: "To table, Katie Gallagher."
"Kevin Tanski."
"Tom Murphy."
"Tony DeMarco."
"Kathy Pucci."
"Ron Van Kirk."
"Colleen Gallagher."

Councilwoman K. Gallagher: "Yes."
Councilman Tanski: "Yes."
Councilman Murphy: "Yes."
Councilman DeMarco: "Yes."
Councilwoman Pucci: "Yes."
Councilman Van Kirk: "Yes."
Councilwoman C. Gallagher: "Yes."

President DeMarco: "The next item is **ORDINANCE 2012-2**, which is our Rules of Council. I'm not going to read the entire thing, but I will give you some of the highlights and a couple of amendments. The amendments, I'll go over that first. Under Rule 5, after 'all meetings,' we want to insert, 'except Executive Session,' if we could insert that there. And the under Rule 15, the second sentence in the first paragraph, it needs to be stricken. And again, we did have a lengthy discussion on the Rules of Council. And this meeting is a public meeting. We conduct the business of the city in the public. But really, the purpose of the Council meeting is not to engage in a debate with either another resident, Councilmember, administrator, or the Mayor. And so that's frankly what a lot of our conversation focused on. I'll read some of the changes. Under Rule 5, under Public Meetings. 'In attendance at public meetings, citizens and visitors must refrain from speaking while Council is in session, except when given an opportunity to speak during the public session. Unauthorized remarks or verbal or non-verbal outbursts causing disruption or interruption shall not be permitted. Any person who engages in this type of behavior shall be reprimanded by the Council President, and if those acts continue, the person shall be removed from the meeting at the direction of the Council President. When Council is in session, cell phones and other electrical devices shall not be used, and thus should be turned off or put on silent or vibrate mode to avoid disruption.' In terms of just some changes to the Agenda, we flip-flopped the opening with the Pledge of Allegiance and roll call. So we'll have the roll call first and then the Pledge of Allegiance. In terms of our committees, commissions and boards, and directors' reports, if somebody has something that they would like to present to the Council during a meeting, they need to inform the Clerk of Council prior to the meeting on that Monday. The other main section which we made significant changes to was the public participation section. I just want to read it, and probably have to read it a few more times. 'Any member of the audience who wishes to address Council during the public session must stand at the podium provided and clearly state his or her name, residence address, and the subject matter he or she desires to discuss. Participants must address the Council when speaking. No public session participant will be allowed to engage in debate with any other member of Council, the

administration, or any other member of the audience. The Council President may not recognize any member of the public who attempts to speak from any location other than the podium. Public participation will be limited to five minutes per person. Public session participants shall observe the same rules of decorum and good conduct applicable to the members of City Council. Speakers must be courteous in their language and avoid personalities. Anyone making personal attacks, profane, or slanderous remarks, or becomes disruptive or combative while addressing City Council, or while attending a public meeting, shall be reprimanded or removed from the meeting by the Council President.' And we did add Rule 31. We obviously go into Executive Session when needed, but we've added an entire Rule 31 which describes what Executive Session rules are, and when we can and cannot go into Executive Session. So with those..."

Councilwoman Pucci: "May I be recognized Mr. DeMarco?"

President DeMarco: "Sure."

Councilwoman Pucci: "I believe under Rule 3, where I think we're going to strike that this evening where it says, 'The public may at any time made available at the beginning make a comment only in regard to items that are on the agenda...', I think that's the one we were looking to strike. Because we did not agree to that, that they can only comment on items... Oh, I apologize, that's for special meetings."

President DeMarco: "That's for special meetings, correct."

Councilwoman Pucci: "Yes, I apologize. Thank you."

President DeMarco: "I asked the same thing. Sure."

Councilwoman Pucci: "Yep, thank you."

President DeMarco: "So first we need to amend Ordinance 2012-2 with the two items that I described earlier."

Councilwoman Pucci: "Move to amended as stated into the record."

Councilwoman C. Gallagher: "Second."

Clerk Banish: "To amend, Katie Gallagher."

"Kevin Tanski."

"Tom Murphy."

"Tony DeMarco."

"Kathy Pucci."

"Ron Van Kirk."

"Colleen Gallagher."

Councilwoman K. Gallagher: "Yes."

Councilman Tanski: "Yes."

Councilman Murphy: "Yes."

Councilman DeMarco: "Yes."

Councilwoman Pucci: "Yes."

Councilman Van Kirk: "Yes."

Councilwoman C. Gallagher: "Yes."

President DeMarco: "Okay, I need a motion to suspend the rules."

Councilwoman C. Gallagher: "Introduced by all, suspend the rules."

Councilman Tanski: "Second."

Clerk Banish: "To suspend the rules, Katie Gallagher."

"Kevin Tanski."

"Tom Murphy."

"Tony DeMarco."

"Kathy Pucci."

"Ron Van Kirk."

"Colleen Gallagher."

Councilwoman K. Gallagher: "Yes."

Councilman Tanski: "Yes."

Councilman Murphy: "Yes."

Councilman DeMarco: "Yes."

Councilwoman Pucci: "Yes."

Councilman Van Kirk: "Yes."

Councilwoman C. Gallagher: "Yes."

Clerk Banish: "To adopt, Katie Gallagher."

"Kevin Tanski."

Councilwoman K. Gallagher: "Yes."

Councilman Tanski: "Yes."

"Tom Murphy."
"Tony DeMarco."
"Kathy Pucci."
"Ron Van Kirk."
"Colleen Gallagher."

Councilman Murphy: "No."
Councilman DeMarco: "Yes."
Councilwoman Pucci: "Yes."
Councilman Van Kirk: "Yes."
Councilwoman C. Gallagher: "Yes."

President DeMarco: "Okay, so the Ordinance passes, 6-1, is that correct?"

Clerk Banish: "Correct."

President DeMarco: "Okay. Does any other member of Council have anything they want to say. Mr. Tanski did you want to be recognized?"

Councilman Tanski: "Yes, I had a question. For Mr. Bruzek, I don't know if you have any of the reports with you, or can you get it the next meeting; the year ending 2011 revenue on the Silver Sneakers program."

Asst. Mgr. Bruzek: "I don't have it with me, I can get you a copy."

Councilman Tanski: "Yes, I'd appreciate that."

President DeMarco: "Is that it?"

Councilman Tanski: "That's all."

President DeMarco: "We will be adjourning into Executive Session this evening to discuss matters of personnel, so I need a motion to adjourn to Executive Session."

Councilwoman Pucci: "I move we adjourn into Executive Session to discuss matters of personnel as it relates to the position of Clerk of Council. And we need to specify, do you want anyone else in?"

President DeMarco: "Oh, I'm sorry. I'd like to include the Mayor, our Finance Director, and our Law Director."

Councilwoman C. Gallagher: "Second."

Clerk Banish: "To adjourn to Executive Session, Katie Gallagher." Councilwoman K. Gallagher: "Yes."

"Kevin Tanski."
"Tom Murphy."
"Tony DeMarco."
"Kathy Pucci."
"Ron Van Kirk."
"Colleen Gallagher."

Councilman Tanski: "Yes."
Councilman Murphy: "Yes."
Councilman DeMarco: "Yes."
Councilwoman Pucci: "Yes."
Councilman Van Kirk: "Yes."
Councilwoman C. Gallagher: "Yes."

COUNCIL ADJOURNED TO EXECUTIVE SESSION AND THEN RECONVENED.

Councilwoman Pucci: "Move to reconvene."

Councilman Murphy: "Second."

Clerk Banish: "To reconvene, Katie Gallagher."

"Kevin Tanski."
"Tom Murphy."
"Tony DeMarco."
"Kathy Pucci."
"Ron Van Kirk."
"Colleen Gallagher."

Councilwoman K. Gallagher: "Yes."
Councilman Tanski: "Yes."
Councilman Murphy: "Yes."
Councilman DeMarco: "Yes."
Councilwoman Pucci: "Yes."
Councilman Van Kirk: "Yes."
Councilwoman C. Gallagher: "Yes."

Councilwoman Pucci: "Move to adjourn."

President DeMarco: "Second."

Councilwoman K. Gallagher: "Second."

Clerk Banish: "To adjourn, Katie Gallagher."

"Kevin Tanski."

"Tom Murphy."

"Tony DeMarco."

"Kathy Pucci."

"Ron Van Kirk."

"Colleen Gallagher."

Councilwoman K. Gallagher: "Yes."

Councilman Tanski: "Yes."

Councilman Murphy: "Yes."

Councilman DeMarco: "Yes."

Councilwoman Pucci: "Yes."

Councilman Van Kirk: "Yes."

Councilwoman C. Gallagher: "Yes."

Meeting adjourned.

Asst. Clerk of Council

President of Council